

REMARKS

Claims 1-20 are pending this application. Claims 1, 4, 11 and 19 have been amended. No new matter has been added.

35 U.S.C. §103

Claims 1-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over the admitted prior art, in view of Suzuki et al., U.S. Patent No. 5,786,852, in view of Parulski et al., U.S. Patent No. 5,668,597, and further in view of Kato, U.S. Patent No. 6,148,031.

Applicants request reconsideration of the rejection as follows.

Applicants have amended independent claims 1 and 11 to include that the photoelectric sensor is of the interlace type. The newly cited reference to Parulski is directed to an electronic camera with a progressive scan image sensor 20 having a non-interlaced image sensor. See column 4, lines 66-67 of the reference. This is significant because the Parulski reference has been cited for disclosing the claimed signal processor and rate converter of the present invention which are not disclosed in the admitted prior art or Suzuki.

Specifically, Parulski discloses an image pickup device for converting non-interlaced scan signals output by sensor 20 to standard television signals. However, in the present invention, the photoelectric sensor is of the interlace type, which differs from Parulski. The Office Action suggests that it would be obvious to one having ordinary skill in the art at the time of the invention to see more advantages in the image sensor device of Parulski to include

a rate converter and to modify the image pickup device of the admitted prior art to include a signal processor, as claimed by applicants. Further, the Examiner relies upon Kato for teaching an encoder. Therefore, the Examiner relies upon the admitted prior art, Suzuki, Parulski and Kato to suggest that the invention claimed by applicants is obvious to one having ordinary skill in the art.

It is difficult to fathom how one skilled in the art would find Applicants' invention to be obvious when it requires the admitted prior art and three different references to allegedly arrive at Applicants' invention. To the extent that Applicants' invention allegedly is obvious, it could only be obvious when viewed with the hindsight of Applicants' teachings and would require a reconstruction of the various cited references to arrive at Applicants' invention. Since there is no suggestion in any of the references for combining the teachings in the manner done so by the Examiner, it should not be considered obvious to make such a combination. Thus, as noted by the Court of Appeals for the Federal Circuit. *In re Fritch*, 23 USPQ 2nd 1780 (Fed. Cir. 1992), an Examiner may not "use the claimed invention as an instruction manual or 'template' to piece together the teachings of the prior art so that the claimed invention is rendered obvious."

Since Suzuki's photoelectric sensor is of the interlace type, one having ordinary skill in the art would not consider the art related to photoelectric sensors of the non-interlace type, such as Parulski. Applicants mention in the Background of the Invention section that when the number of pixels in a vertical direction of an image sensor is larger than the number of scanning lines of a standard television system (at the time of the invention), the formation of a motion image becomes difficult. For example, Applicants disclose an image sensor in

which the effective pixel number in the vertical direction is approximately twice that of the effective number of scanning lines in a television signal standard. This is also claimed by Applicants as set forth in claims 4 and 19, as amended. Further, claims 10 and 20 set forth that the effective pixel number of the photoelectric sensor in the vertical direction is from 920 to 1020. This type of sensor is not disclosed by Parulski and, therefore, one having ordinary skill in the art would not consider the disclosure thereof to be combinable with that of the admitted prior art and Suzuki. Accordingly, the combination of the admitted prior art, Suzuki, Parulski and Kato does not render the invention as set forth in claims 1-20 unpatentable under 35 U.S.C. §103.

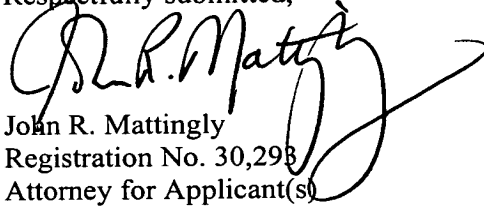
Request for Continued Examination

Applicants have submitted herewith a Request for Continued Examination (RCE) since the present application is under final rejection and applicants have submitted amendments to claims 1 and 11 that raise a new issue requiring further search and/or examination. Accordingly, entry of the foregoing amendments is respectfully requested.

Conclusion

In view of the foregoing amendments and remarks, Applicants contend that the above-identified application is now in condition for allowance. Accordingly, reconsideration and reexamination is requested.

Respectfully submitted,



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